

projections provided on the flat side surface and configured to massage a scalp. By providing such a cover and an inner cover, the cover is detached from the body and used as a massaging brush without the body and the weight of the detergent, as the inner cover prevents the detergent from spilling or watered down. Furthermore, since the cover is used as a massaging brush independently from the body, the cover is provided with a brushing area sufficiently large for effecting more effective massage while allowing the detergent container to have a more unitary shape.¹

The outstanding Office Action asserts that Obata et al. disclose a detergent container as recited in Claims 1, 2 and 4. However, Obata et al. do not teach an inner cover removably covering the opening, and a cover detachably attached to the upper portion of the body over the opening, the cover having a flat side surface extending away from the body and a plurality of projections provided on the flat side surface and configured to massage a scalp, as recited in amended Claim 1. Obata et al., on the other hand, disclose an applicator for an aerosol-type container having the cap 3 and the brush 10 having bristles 10c, wherein the brush 10 is connected to the aerosol container via the discharge tube 5. Obata et al. disclose a device for *removing dirt from articles, not massaging a human scalp*, with a detergent in an aerosol-type container², and nowhere do Obata et al. disclose or suggest that the brush 10 for removing dirt be modified to massage a human scalp.³ Furthermore, according to the Obata et al. applicator, the nozzle pushing member 6 provided on the cap 3 is pressed so as to supply the

¹ Specification, page 1, lines 3-23.

² See Obata et al., column 2, lines 38-45.

³ *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990), stating that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

detergent in the container through the discharge tube 5 to the brush 10.⁴ That is, the cap 3 in the Obata et al. applicator cannot be detached from the container in order to use the Obata et al. applicator,⁵ limiting the size of the brush 10. As such, even assuming *arguendo* that the Obata et al. applicator for removing dirt is used to massage a human scalp, it would be difficult for the Obata et al. applicator to have a sufficiently wide brushing area to facilitate an effective scalp massage and a unitary shape at the same time. On those bases, the structure recited in Claim 1 is believed to be distinguishable from Obata et al. and thus is not anticipated thereby.

Per-Lee et al. only disclose an applicator device with screw-on attachments, and do not teach an inner cover removably covering the opening, and a cover detachably attached to the upper portion of the body over the opening, the cover having a flat side surface extending away from the body and a plurality of projections provided on the flat side surface and configured to massage a scalp, as recited in amended Claim 1. Thus, the structure recited in Claim 1 is clearly distinguishable from Per-Lee et al.

Because neither Obata et al. nor Per-Lee et al. disclose the cover or the inner cover as recited in Claim 1, even the combined teachings of these applied references would not render the structure recited in Claim 1 obvious.

Likewise, independent Claims 8 and 15 include subject matter substantially similar to what is recited in Claim 1 to the extent discussed above. Thus, Claims 8 and 15 are also distinguishable from Obata et al. and Per-Lee et al.

⁴ See *Id.*, lines 48-51.

⁵ *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984), stating that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

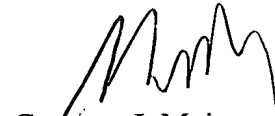
For the foregoing reasons, Claims 1, 8 and 15 are believed to be allowable. Furthermore, since Claims 2-7, 9-14 and 16-20 ultimately depend from one of Claims 1, 8 and 15, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 2-7, 9-14 and 16-20 are believed to be allowable as well.

Additionally, Applicants respectfully request that the Information Disclosure Statements filed January 3, 2002 and August 15, 2002 be considered and acknowledged.

In view of the amendments and discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

Please amend Claims 1, 2, 8, 9 and 15 as follows:

--1. (Twice Amended) A detergent container with a massage brush comprising:
a body configured to contain a detergent therein and having an opening for the
detergent in an upper portion thereof; [and]
an inner cover removably covering the opening; and
a cover detachably attached to the upper portion of the body [and covering] over said
opening, said cover having a flat side surface extending away from the body and a plurality of
projections provided on said flat side surface and configured to massage a scalp.

2. (Twice Amended) The detergent container with a massage brush according to
Claim 1, wherein said opening is positioned in a substantially center portion of the upper
portion of said body [and has an inner cover removably covering the opening].

8. (Amended) A shampoo container comprising:
a body configured to contain a shampoo therein and having an opening for the
shampoo in an upper portion thereof; [and]
an inner cover removably covering the opening; and
a cover detachably attached to the upper portion of the body [and covering] over the
opening, the cover having a flat side surface extending away from the body and a plurality of

projections on the flat side surface, the plurality of projections being positioned to facilitate massaging of a scalp.

9. (Amended) The shampoo container according to Claim 8, wherein the opening is positioned in a substantially center portion of the upper portion of the body [and has an inner cover removably covering the opening].

15. (Amended) A scalp massaging kit comprising:

a detergent containing 0.1 to 10 parts by weight of a cationic polymer, 1.0 to 50 parts by weight of a nonionic surface active agent, 1.0 to 50 parts by weight of an alcohol, and water in an amount making 100 parts by weight; and

a detergent container having a body and a cover, the body being configured to contain the detergent therein and having an opening for the detergent in an upper portion thereof and an inner cover removably covering the opening, the cover being detachably attached to the upper portion of the body[, covering] over the opening, and having a flat side surface extending away from the body and a plurality of projections on the flat side surface, the plurality of projections being positioned to facilitate massaging of a scalp.--